

Great Brit. - Geo. II

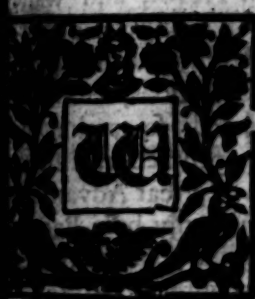
[1]

31

558 6
21

An ACT for Confirming and Establishing
Articles of Agreement for Dividing and In-
closing several Commons, Common Heaths,
and Waste Grounds, in the adjoining Manors
of East Lulworth and Combe Keynes, in
the County of Dorset.

C. 31



Whereas Edward Weld, of Lulworth Castle, in the County of Dorset, Esquire, is Lord of the several Manors of East Lulworth and Combe Keynes (which adjoin to each other), in the said County of Dorset, and also Impropiator of the Great Tythes of the Parish of Combe Keynes, in the said County; and is also seised of, or intituled to, several Messuages, Lands, Tenements, and Hereditaments, either in Possession or in Reversion, in the Parishes of East Lulworth and Combe Keynes, in the said County; and John Pope, Gentleman, is Impropiator of the Great Tythes of the Parish of East Lulworth aforesaid, and Owner of some Lands in the same Parish:

Preamble

And whereas William Dale, Clerk, is Vicar of the Parish and Parish Church of East Lulworth aforesaid, and Richard Robinson, Clerk, is Vicar of the Parish and Parish Church of Combe Keynes aforesaid:

And whereas Joseph Garland and William Hatchard, Gentlemen, and John Penny, Thatcher, are Freeholders of several Lands in the said Parish and Manor of East Lulworth; and the said Joseph Garland, William Hatchard, and John Penny, together with several other Persons, are Tenants

A

nants

nants to the said *Edward Weld*, by Leases for Years, or by Copies of Court Roll, determinable on the dropping of Lives, or are otherwise interested in divers other Lands, Parcels of, or lying within, the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*:

And whereas great Part of the Lands lying in the said several Parishes of *East Lulworth* and *Combe Keynes*, and within the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*, do consist of several Commons, common Heaths, and waste Grounds, called *East Lulworth Commons* and *Combe Keynes Common*, all adjoining together, and which do, in the Whole, contain about One thousand Five hundred Acres; in all which said several Commons, the said several Persons herein before particularly named (except the said *John Pope*), together with several other Persons, who are Tenants to the said *Edward Weld*, or are otherwise interested in divers Lands, Parcels of, or lying within, the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*, have severally, either for themselves or their respective Lessees or Tenants, for and in respect of their several Estates in *East Lulworth* and *Combe Keynes* aforesaid, a Right of Common in and upon the said Commons, common Heaths, and waste Grounds:

And whereas, by reason that all the said Commons, common Heaths, and waste Grounds, do lie open and uninclosed, and that the Beasts and Cattle of the several Owners and Occupiers of Lands lying in the said several Parishes of *East Lulworth* and *Combe Keynes*, and within the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*, do intercommon together, the same Commons, common Heath, and waste Grounds, in their present Situation, afford but little or no Profit or Advantage to the Persons interested therein, being over-run with Fuzze, Heath, Holms, and other such Rubbish; and such Commons, common Heaths, and waste Grounds, would, if divided and inclosed, so as that the same might be converted into Tillage, or be held and occupied as distinct Closes or Inclosures, be much improved, and be made of great Advantage to the Persons interested therein; and the same would not only be a Benefit to them, and to the Persons who, for the Time being, would be intitled to the Tythes to arise from the same, but be of great publick Utility:

And whereas several of the Persons interested in the said Commons, common Heaths, and waste Grounds, have entered into Articles of Agreement for dividing and inclosing the same; **But** as such Commons, common Heaths, and waste Grounds, cannot be divided and inclosed, so as to answer the Purposes intended by the said Articles, without the Aid and Authority of Parliament:

May it please your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Commons, common Heaths, and waste Grounds, called *East Lulworth Commons* and *Combe Keynes Common*, shall be divided and inclosed; and that the same several Commons, common Heaths, and waste Grounds, shall be set out, divided, and allotted, by *Jahn Bond*, of *Grange*, in the said County of *Dorset*, Esquire, *James Frampton*, of *Moreton*, in the said County, Esquire, *George Clavell*, of *Smedmore*, in the said County, Esquire, *Richard Gostelow*, of *Chaldon*, in the said County, Esquire, and the Reverend *Denis Bond*, of *Steeple cum Tyneham*, in the said County, Clerk, Commissioners appointed by this Act, and their Successors, or the Survivors, or any Three or more of them, in separate Parts and Shares, unto and for the Benefit of the Lord of the said several Manors of *East Lulworth* and *Combe Keynes*, and the several other Persons interested in, or having a Right of Common in, the said Commons, common Heaths, and waste Grounds, in proportion to the Rights which they are severally intitled to in the same; and in the Manner, and subject to the Rules, Orders, and Directions, and for the Purposes, in and by this Act ordered, directed, and appointed.

And be it further Enacted, That the said Commissioners and their Successors, or the Survivors, or any Three or more of them, shall, as soon as conveniently may be after the Passing of this Act, make, or cause to be made (if they shall think the same necessary), a true and distinct Survey of all the said Commons, common Heaths, and waste Grounds; which Survey (in case the same shall be thought proper to be made) shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in the said several Commons, common Heaths, and waste Grounds, shall be specified therein; and such Survey shall be laid before the said Commissioners and their Successors, or the Survivors, or any Three or more of them, at One of the Meetings to be held in pursuance of this Act, to be by them kept, for the better enabling them to carry this Act into Execution.

And be it further Enacted, That the said Commissioners and their Successors, or the Survivors, or any Three or more of them, shall, and they are hereby authorized and required, as soon as conveniently may be after the said Survey (if any shall be thought necessary to be made) shall have been laid before them, and, if no Survey shall be thought necessary to be made, then as soon as conveniently may be after the Passing of this Act, to examine into, determine, settle, and ascertain, the Rights of Common of and in the said several Commons; common Heaths, and waste Grounds, which all and every, or any, of the Persons herein before named, or their respective Tenant or Tenants, or any other Person or Persons, shall be then intitled to, or which they or any of them, and all and every Person and Persons claiming or to claim from, by, or under, or in Trust for them respectively, could or might, or would in time to come, severally and respectively be intitled. (in case this Act had not been made) to hold

and allot the
Lands, Part
for growing
Fuel;

and the rest
to the Persons
interested.

hold and enjoy in the said several Commons, common Heaths, and waste Grounds: And the said Commissioners and their Successors, or the Survivors, or any Three or more of them, shall afterwards, in the First place, set out and allot, in the said several Commons, common Heaths, and waste Grounds, so much or such Part or Parts of the same several Commons, common Heaths, and waste Grounds respectively, as shall appear to them to be sufficient, and to be conveniently situated for the preserving and raising Furze, Turf, or other Fuel, for the Use of the several Persons who shall then appear to them the said Commissioners or their Successors, or the Survivors, or any Three or more of them, to be intitled to a Right of Common in the said Commons, common Heaths, and waste Grounds: And the said Commissioners and their Successors, or the Survivors, or any Three or more of them, shall, in the next place, allot, assign, and mark and set out, by proper Metes and Bounds, to and for all and every Person and Persons who shall then appear to the said Commissioners or their Successors, or the Survivors, or any Three or more of them, to be intitled to a Right of Common, or to have, or be intitled to, any other Property in the said several Commons, common Heaths, and waste Grounds, such Part, Share, and Proportion, and Parts, Shares, and Proportions, of and in the Residue and Remainder of the said Commons, common Heaths, and waste Grounds, as they the said Commissioners or their Successors, or the Survivors, or any Three or more of them, shall judge or determine ought to be allotted and assigned to him, her, or them, in respect of his, her, or their, Rights of Common, or in respect of his, her, or their, having, or being intitled to, any other Property in or upon the said Commons, common Heaths, and waste Grounds, without giving any undue Preference to any of the Parties interested in the said Division and Inclosure intended to be made, by virtue of this Act, in respect to the Allotments to be made to them; and all such Allotments are to be made justly and equitably, and without Partiality, due Regard being always had to the Quality as well as to the Quantity of such Parts of the said Commons, common Heaths, and waste Grounds, and the convenient Situation thereof, so to be allotted, assigned, and marked and set out, to and for the Benefit of all and every Person and Persons who shall then appear to the said Commissioners or their Successors, or the Survivors, or any Three or more of them, to be intitled to a Right of Common, or to have, or to be intitled to, any other Property in the said Commons, common Heaths, and waste Grounds.

Commis-
sioners to make
an Award.

And, for preventing all Differences and Disputes relating to the Division and to the Inclosure herein after directed to be made of the said Commons, common Heaths, and waste Grounds, **It is hereby further Enacted**, That, within the Space of Six Calendar Months after the said Commissioners shall have completed and finished the Division and Allotments of the Residue and Remainder of the said Commons, common Heaths, and waste Grounds, pursuant to the Directions of this Act, they shall form and draw up an Award or Instrument thereof in Writing, which shall express, specify, and contain, the Quantity and Contents, in Statute Measure,

sure, of the Acres, Roods, and Perches, contained in the said several Commons, common Heaths, and waste Grounds, intended to be divided and inclosed, and the Quantity of each and every Part and Parcel thereof, which shall be assigned and allotted to each of the several Parties intitled to a Right of Common, or having, or lawfully claiming, any other Property, in the said Commons, common Heaths, and waste Grounds, with proper Descriptions of the Situations, Buttals, and Boundaries thereof, and other convenient Certainities, for the better distinguishing and ascertaining the respective Parts and Proportions of and in such Residue and Remainder of the said Commons, common Heaths, and waste Grounds, so to be allotted, assigned, and marked and set out, to and for the same several Parties; and Three or more Parts of such Award or Instrument, in Writing, shall be fairly wrote or ingrossed upon Parchment, and shall be under the Hands and Seals of, and executed by, the said Commissioners or their Successors, or the Survivors, or any Three or more of them; and be delivered to such Person or Persons, or otherwise disposed of, as the said Commissioners shall think fit; but One of such Parts shall, within Six Calendar Months next after the same shall be so executed as aforesaid, be inrolled with the Clerk of the Peace for the County of *Dorset*, to the end Recourse may be had to the same by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, and no more; and a true Copy thereof, or of any Part thereof (for which no more than Four Pence *per* Sheet, accounting seventy-two Words to each Sheet, shall be paid), shall, at all times hereafter, be admitted and allowed, in all Courts whatsoever, as legal Evidence of the same; and such Award, so to be made by the said Commissioners, shall be binding and conclusive to all and every Person and Persons whatsoever, any-ways interested in, or intitled to, a Right of Common, or having, or any-way claiming to be intitled to, any other Property in the said Commons, common Heaths, and waste Grounds, and their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns.

And it is hereby further Enacted, by the Authority aforesaid, That After the Execution of the Award, immediately after finishing the said Division and Allotments, and the Execution of the said Award or Instrument, all Right of Common, in, over, and upon, the said several Commons, common Heaths, and waste Grounds, called *East Lulworth Commons* and *Combe Keynes Common*, shall cease and be extinguished; and then also, and from thenceforth, the said several Parties, and all Persons claiming or to claim from, by, or under, or in Trust for them respectively, and all and every other Person and Persons who would or might be intitled to any Right of Common, or to have or enjoy any other Property in the said Commons, common Heaths, and waste Grounds, in case this Act had not been made, shall, from time to time, and at all Times thereafter, hold and enjoy the several and respective Parts, Shares, and Proportions, of the said Commons, common Heaths, and waste Grounds, which shall be so allotted, assigned, and marked and set out, to or for him, her, or them, or any of them, according to such

B

respective

and the Al-
lotments to
be held in
Severalty ;

respective Determinations, Divisions, Allotments, and Assignments, so to be made as aforesaid, in Severalty, to the same Uses, and for the same Estate and Interest, Estates and Interests, and subject and liable to the same Rents, Charges, and other Incumbrances, as the same several Parties, and all Persons claiming or to claim from, by, or under, or in Trust for them, and such other Person and Persons as aforesaid, do now hold or enjoy, or shall or may, at any time or times hereafter, be intitled to hold or enjoy, any Lands or Tenements whatsoever, lying or being within the said several Parishes of *East Lulworth* and *Combe Keynes*, or either of them, or within the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*, or either of them, in respect whereof he, she, or they, now is or are, or would or might, at any time or times hereafter (in case this Act had not been made), be intitled to a Right of Common, or to have or enjoy any other Property in the said Commons, common Heaths, and waste Grounds ; and the said several Parties, and all Persons claiming or to claim from, by, or under, or in Trust for them, and such other Person or Persons as aforesaid, shall accept and take the same in lieu of, and in full Satisfaction of and for, his, her, and their several and respective Rights of Common or other Property in the aforesaid Commons, common Heaths, and waste Grounds, within the Space of Six Calendar Months next after the Execution of the said Award or Instrument, and public Notice given in the several Parish Churches of *East Lulworth* and *Combe Keynes* aforesaid, on a Sunday, immediately after Divine Service, and a Notice in Writing affixed on the Door of each of the said Parish Churches for that Purpose, signed by the said Commissioners or their Successors, or the Survivors, or any Three or more of them, which Notice the said Commissioners are hereby required to sign accordingly ; and in case any Person shall neglect or refuse to accept his or her Share or Allotment, within the Time afore-mentioned, then every Person, so neglecting or refusing, shall be totally excluded from having or receiving any Benefit or Advantage by this present Act, and also from any Estate, Interest, or Right of Common or other Property whatsoever, of, in, or to, the Lands or Grounds assigned or allotted to any other Person or Persons, by virtue of or under this Act.

without any
Disturbance
to be given
to any of the
Owners.

And it is hereby further Enacted, That all and every Person and Persons who shall, within the Time afore-mentioned, accept of the Shares or Allotments to be assigned or allotted to or for him, her, or them, by virtue or in pursuance of this Act, and all and every other Person and Persons, claiming or to claim by, from, or under, or in Trust for them respectively, shall, from time to time, and at all Times thereafter, hold and enjoy the several and respective Parts, Shares, and Proportions, of and in the said Commons, common Heaths, and waste Grounds, so to be allotted, assigned, and marked and set out, to or for him, her, and them or any of them, without any Claim, Title, or Disturbance, to be made or given one to another, and freed and discharged, for ever thereafter, of and from all and all manner of Rights of Common therein, which any other present or future Owners or Proprietors, or Occupiers, of any Lands or Tenements within the said several Parishes of *East Lulworth* and *Combe Keynes*

or either of them, or within the Precincts of the said several Manors of *East Lulworth* and *Combe Keynes*, or either of them, or which any other Person or Persons, not having any Lands within the said several Parishes, or either of them, or within the Precincts of the said several Manors, or either of them, but who may claim a Right to depasture any Sort of Cattle or Sheep on any of the said Commons, common Heaths, and waste Grounds, now have or hath, or could or might in any wise claim therein, in case this Act had not been made.

Provided always, and it is hereby further Enacted and Declared, Trustees to accept Allotments for Persons incapable to accept themselves;
That the Guardians, Husbands, Trustees, Committees, or Attorneys, of any Person or Persons, being Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to accept any such Assignments or Allotments, so to be made as aforesaid, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons, so incapacitated as aforesaid; and also that any Person or Persons, intitled to any such Assignments or Allotments as aforesaid, as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively enabled to take and accept of such Assignments or Allotments, for the Use of themselves, and of those in Reversion or Remainder, expectant on the Determination of the Estate or Estates of such Tenant or Tenants for Life or Lives; and likewise, that any Person or Persons, intitled to any such Assignments or Allotments as aforesaid, in Remainder or Expectancy, upon any precedent particular Estate, shall, upon the Neglect or Refusal of any Tenant in Possession, or any Person intitled to such precedent particular Estate, be, and is and are respectively hereby enabled to accept of such Assignments or Allotments, in Lieu and Stead of any such Tenant or Person so intitled, and neglecting or refusing; and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual, to all Intents and Purposes whatsoever; any thing herein contained to the contrary notwithstanding.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Ideot, Feme-covert, or any other Person under any Disability or Incapacity as aforesaid, who shall claim or accept within Twelve Calendar Months after such Disability or Incapacity shall be removed, or of any Person or Persons intitled as Heir, or in Remainder after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within Twelve Calendar Months after his, her, or their Right, Title, or Interest, shall have descended, vested, or accrued. but not to exclude Persons from accepting after the Disability removed.

And be it further Enacted, by the Authority aforesaid, That the aforesaid several Impropriators and Vicars herein before-named, and all and every other Person and Persons who is or are intitled to any Tythes or Portions of Tythes whatsoever, arising out of or within the said several Parishes and Manors of *East Lulworth* and *Combe Keynes*, and their respective Heirs, Successors, Executors, Administrators, and Assigns, shall, from time to time, and The Vicars to take Tythes of the Inclosures.

and at all Times hereafter, be respectively intituled to have, receive, and enjoy, the same and the like Kind of Tythes and Portions of Tythes, out of and from the several and respective Parts, Shares, and Proportions of the said Commons, common Heaths, and waste Grounds, so to be allotted, assigned, and marked and set out, as aforesaid, as the same shall annually or otherwise arise, as the said several Impropriators and Vicars, and such other Person and Persons as aforesaid, now is or are intituled to have and receive, out of and from the Lands already inclosed in the said several Parishes of *East Lulworth* and *Combe Keynes*.

Allotments
in East Lul-
worth to be
made accord-
ing to the
Number of
Cotes :

And in
Combe
Keynes, ac-
cording to the
Number of
Acres.

And be it further Enacted, That the said Commissioners and their Successors, and the Survivors, or any Three or more of them, in the making the aforesaid Allotments to the several Parties interested therein, shall observe the following Rule (that is to say) ; that the respective Parts, Shares, or Proportions, which shall be allotted, assigned, and marked and set out, to and for such of the said Parties who are or may be intituled to a Right of Common, or to have or enjoy any other Property, in the said Commons, common Heaths, and waste Grounds, in *East Lulworth* aforesaid, shall be computed, regulated, and adjusted, by and according to the Number of Cotes which each of the same Parties shall then have or be intituled to in the said Parish of *East Lulworth* : And that the respective Parts, Shares, or Proportions, which shall be allotted, assigned, and marked and set out, to and for such of the said Parties, who are or may be intituled to a Right of Common, or to have or enjoy any other Property, in the said Commons, common Heaths, and waste Grounds, in *Combe Keynes* aforesaid, shall be computed, regulated, and adjusted, by and according to the Parts and Proportions of the arable Lands lying in the common Fields of the said Parish of *Combe Keynes*, which each of the same Parties shall have or be intituled to, at the Time of such Allotments, so to be made as aforesaid.

Commis-
sioners to di-
rect by whom
the Fences
shall be made
and main-
tained.

And be it further Enacted, That the said Commissioners and their Successors, and the Survivors, or any Three or more of them, shall and may, and they are hereby authorized and required to allot, direct, and appoint, the several and respective Parts, Shares, and Proportions, of the Fences and Inclosures, which each of the Parties any-way interested in, or having any Right of Common in the said Commons, common Heaths, and waste Grounds, is to make, for or in respect of the Dividing, Separating, and Inclosing the same Commons, common Heaths, and waste Grounds, and the Time when and the Manner how such Fences and Inclosures shall be made, and which each of the said Parties is to make and do, at his, her, or their own proper Expence, or otherwise, as the said Commissioners shall direct (except as herein after is mentioned) ; and also, that the said Commissioners and their Successors, and the Survivors, or any Three or more of them, shall and may set out, direct, and appoint, all such public and private Roads, Ways, Passages, and Watercourses, in, upon, or by, through, or over, any of the said Commons, common Heaths, and waste Grounds, or the Inclosures to be made thereof, or in or upon the same, as they shall think convenient (so as that all such public Roads shall

shall be Forty Feet broad between the Ditches or Fences); and also all Ditches, Sewers, Bridges, Gates, and Styles, that are to be made, in and upon the Grounds which are to be so divided and inclosed as aforesaid, and by whom the same Fences, Inclosures, public and private Roads, Ways, Passages, Watercourses, Ditches, Sewers, Bridges, Gates, and Styles, respectively, shall be made, preserved, repaired, and maintained, for ever thereafter; and that such Allotments, Directions, and Appointments, so to be made in relation to such Fences, Inclosures, Roads, Ways, Passages, Watercourses, Ditches, Sewers, Bridges, Gates, and Styles, shall be inserted and sufficiently described and set forth in the said Award or Instrument, so to be executed by the said Commissioners or their Successors, or the Survivors, or any Three or more of them: And that all such Allotments, Directions, and Appointments, so to be made as aforesaid, shall be binding to all and every Person and Persons whomsoever, any way interested in or intitled to a Right of Common, or having or any way claiming to be intitled to any other Property in the said Commons, common Heaths, and waste Grounds, and their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns, and all and every such Person and Persons, and their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns, shall abide by and perform the same accordingly: And that after the setting out, directing, and appointing, such Roads and Ways as aforesaid, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either public or private, by, through, or over, the said new Inclosures, either on Foot or with Horses, Carts, or Carriages; and that all former Roads and Ways, which shall not be set out, directed, or appointed, as the Roads or Ways by, through, or over, the said new Inclosures, shall be deemed Part of the Lands to be divided and inclosed, and shall be divided and allotted accordingly.

And be it further Enacted, That within the Space of Twelve Calendar Months after the Execution of such Award or Instrument as aforesaid, or within some other convenient Space of Time as the said Commissioners shall think fit, the several Parcels of Lands thereby allotted or assigned, shall be inclosed, hedged, ditched, or fenced, by the several Persons to whom the same shall be respectively allotted or assigned, in such Manner as the said Commissioners or their Successors, or the Survivors, or any Three or more of them, in their said Award or Instrument shall direct and appoint.

Provided always, That convenient Openings shall be left in the said Fences and Inclosures for the Space of Twelve Calendar Months next ensuing the Execution of the said Award or Instrument, or for some other convenient Space of Time as the said Commissioners shall think fit, for the Passage of Cattle, Carts, and Carriages through the same, unless the several Parties interested in the said intended Division and Inclosure shall agree that the same shall be sooner made up and inclosed.

And be it further Enacted, That all Charges and Expences of making the Fences and Inclosures, which shall be by them the said Commissioners

By whom the
Expences of
the Act and
or

Commissioners are to be paid ;

or their Successors, or the Survivors, or any Three or more of them, to be allotted, directed, or appointed to be made, by the several Parties interested in, or having any Right of Common in the said Commons, common Heaths, and waste Grounds respectively ; and all the Costs and Charges of Surveying, Measuring, Dividing, and Allotting, the Lands and Grounds so to be divided and inclosed as aforesaid ; and all the Charges of the said Commissioners, and other necessary Charges and Expences in and about and concerning the Premises (other than the Charges and Expences of applying for and obtaining this Act of Parliament, which are to be borne by the said *Edward Weld*) shall be borne and defrayed by the several Parties interested in or having a Right of Common in the said Commons, common Heaths, and waste Grounds respectively (except by the Vicars for the Time being of the said several Parishes of *East Lulworth* and *Combe Keynes*, whose Charges and Expences therein shall be borne and defrayed by the said *Edward Weld*, and his Heirs), in Proportion to the Quantity of Land which shall, pursuant to this Act, be allotted to them respectively, or otherwise, as the said Commissioners or their Successors, or the Survivors, or any Three or more of them, shall direct or appoint.

and how to be recovered.

And be it further Enacted, That in case any Person or Persons, to whom any Allotment or Allotments shall be made by virtue of this Act, shall refuse or neglect to pay his, her, or their Share and Proportion, Shares and Proportions, of the Costs and Charges of surveying, measuring, dividing, and allotting, the Lands and Grounds so to be divided and allotted as aforesaid, and of all the necessary Charges of the said Commissioners, and other necessary Charges and Expences in and about, and concerning, the Premises, within a certain Time to be limited by the said Commissioners, or any Three of them, to such Person or Persons as they, or any Three of them, shall appoint to receive the same, then the said Commissioners, or any Three of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same ; rendering the Overplus, if any, on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress or Distresses, and Sale or Sales.

Persons aggrieved there by may appeal to the Quarter-Sessions.

Provided always, That if any Person or Persons shall think him, her, or themselves, aggrieved by the Determination of the said Commissioners, either in respect of such Charges and Expences, or in respect of his, her, or their Proportion thereof respectively, it shall and may be lawful to and for any such Person or Persons, at any time within Four Calendar Months after such Settlement and Determination shall have been made, to appeal to the General Quarter-Sessions to be held in and for the said County of *Dorset*, giving Fourteen Days Notice of his, her, or their Intention of appealing, as aforesaid, to the said Commissioners and their Successors, or to any One or more of them, who shall have acted in such Settlement and Determination as aforesaid ; and the Justices of Peace, assembled at such

General

General Quarter Sessions, are hereby required and authorized to hear the Matter of every such Appeal, and to make such Order, Award, and Determination therein, as to them shall appear to be just and reasonable; and every such Order, Award, and Determination, shall be final.

And be it further Enacted, That in case it shall hereafter appear before such Time as the said Commissioners or their Successors, or the Survivors, or any Three or more of them, shall have executed such Award or Instrument as aforesaid, that any Person or Persons whatsoever, having no Lands within the said several Parishes of *East Lukworth* and *Combe Keynes*, or either of them, or within the Precincts of the said several Manors of *East Lukworth* and *Combe Keynes*, or either of them, hath or have a Right, or doth or do claim to depasture any Sort of Cattle or Sheep on any of the said Commons, common Heaths, and waste Grounds, so to be divided and inclosed as aforesaid, that then it shall and may be lawful to and for the said Commissioners, and their Successors, and the Survivors, or any Three or more of them, and they are hereby authorized and impowered to assign and set out, to or for such Person or Persons, any Part or Parts of the said Commons, common Heaths, and waste Grounds, so to be divided and inclosed as aforesaid, in such manner as they the said Commissioners or their Successors, or the Survivors, or any Three or more of them, shall think fit, in lieu of, or as an Equivalent for, such Right or Claim.

Persons who have no Land in the Parishes, but have Right of Common, to have an Allotment for such Right.

And be it further Enacted, That in case any Dispute or Difference shall at any time arise between all or any of the Parties interested in the said Division and Inclosure, with respect to the Premises, or any Matter or Thing herein contained, or consequent thereon, or in relation thereunto, the same shall be adjusted and finally determined between the said Parties, and every of them, by the said Commissioners and their Successors, or the Survivors, or any Three or more of them; and that it shall and may be lawful to and for the said Commissioners and their Successors, or the Survivors, or any Three or more of them, and they are hereby impowered, to take the Examination of Witnesses upon Oath (which Oath the said Commissioners, or any One or more of them, are hereby authorized to administer) for their better Information and Satisfaction in determining such Dispute or Difference; and such Determination as shall be made by the said Commissioners or their Successors, or the Survivors, or any Three or more of them, therein, shall be binding and conclusive to all and every the said Parties, and their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns, and to all and every other Person and Persons, having or in any-wise claiming any Right of Common, or any other Right, Title, or Interest, in or to the said Commons, common Heaths, and waste Grounds, or any of them, or any Part or Parcel thereof.

Commissioners to determine Differences between the Parties interested.

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest, of the said *Edward Weld*, or the Lord or Lords of the said several Manors

Saving of Rights to the Lord of the Manor.

Manors of *East Lukworth* and *Combe Keynes* for the Time being, of, in, or to, the Seigniories and Royalties incident and belonging to the same several Manors; but that he the said *Edward Weld*, and all and every Person and Persons claiming under or in Trust for him as Lord of the said several Manors, and all other succeeding Lords of the said several Manors of *East Lukworth* and *Combe Keynes* for the Time being, shall and may, at all times for ever hereafter, have, hold, and enjoy, all Rents, Services, Courts, Perquisites and Profits of Courts, Mines, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, and Pre-eminences whatsoever, to the same several Manors, or either of them, or to the Lord or Lords thereof, for the Time being, incident, appendant, belonging, or appertaining (other than and except the Mines, Delphs, and Quarries, lying within and under such Parts, Shares, and Proportions, of the said Commons, common Heaths, and waste Grounds, as shall or may be allotted and assigned to the several other Freeholders and Owners of Lands lying and being within the said several Manors of *East Lukworth* and *Combe Keynes*, or to any other Person or Persons not having any Lands within the said several Parishes of *East Lukworth* and *Combe Keynes*, or either of them, or within the Precincts of the said several Manors of *East Lukworth* and *Combe Keynes*, or either of them, as aforesaid, in lieu of, or as an Equivalent for, such Right or Claim as aforesaid; and other than and except such Common of Pasture, and other Common Rights, as can or may be claimed by, or belong to, the Lord or Lords of the same several Manors in and upon the Premises so intended to be divided and inclosed as aforesaid), in as full, ample, and beneficial manner, to all Intents and Purposes as he, they, or any of them, could or might have held or enjoyed the same before the passing this Act, or in case this Act had never been made.

Commissioners to give Notice of their Meetings to put the Act in Execution.

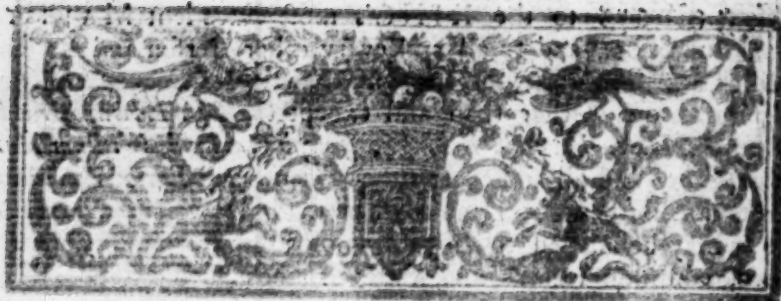
And be it further Enacted, That the said Commissioners or their Successors, or the Survivors, or any Three or more of them, shall and they are hereby required to give, or cause publick Notice to be given, in the Parish Churches of *East Lukworth* and *Combe Keynes* aforesaid, upon some Sunday immediately after Divine Service, of the Time and Place of their first Meeting, and of every subsequent Meeting, for the Execution of this Act at least Six Days before any such Meeting shall be held (Meetings by Adjournment only excepted).

Other Commissioners to be chosen in the room of those who shall die or refuse to act.

And be it further Enacted, That if any One or more of the said Commissioners nominated and appointed by this Act, or any of the Commissioners hereafter to be elected in manner herein after-mentioned, shall die, or refuse to act, that then and so often it shall and may be lawful, and for the then surviving Commissioners or Commissioner, or the major Part of such surviving Commissioners, by Writing under his or their Hand and Seal, or Hands and Seals, to elect or choose One or more Person or Persons, not interested in any of the said Commons, common Heaths and waste Grounds, in the place or room of such Commissioner or Commissioners so dying or refusing to act; which said Commissioner or Commissioners

missioners, so to be from time to time elected or chosen, shall have, and are hereby enabled to have, the same Power and Authority to put this Act in Execution, as if they had been respectively named and appointed herein; which said Writing shall, within Six Calendar Months after the Execution thereof, be likewise inrolled with the Clerk of the Peace for the said County of *Dorset*; and a true Copy thereof shall be allowed and admitted in Evidence in all Courts whatsoever as aforesaid.

Saving always to the KING's most Excellent MAJESTY, his General Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except the said *Edward Weld, John Pope, William Dale, Richard Robinson, Joseph Garland, William Hatchard, and John Penny*, and all and every other Person and Persons to whom any Allotment or Allotments of Land shall be made by virtue of this Act, or who are or may be intitled to any Right of Common in or upon the said Commons, common Heaths, and waste Grounds, so directed to be divided and inclosed as aforesaid, and to his, her, and their Heirs, Successors, Executors, and Administrators respectively); All such Estate, Right, Title, and Interest, as they, every or any of them, had and enjoyed, of, in, to, or out of, the said Commons, common Heaths, and waste Grounds, before the passing of this present Act, or could or might have had or enjoyed, or be intitled to have or enjoy, in case this Act had not been made:



An ACT for Confirming and Establishing Articles of Agreement for

Dividing and Including several Commons, Common Heaths, and Waste Grounds, in the adjoining Manors of East Lilworth and Combe Keynes, in the County of Dorset.